

The Gazette of India

सत्यमेव जयते

PUBLISHED BY AUTHORITY

No. 15] NEW DELHI, SATURDAY, JULY 15, 1950

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 11th July 1950 :—

S. No.	No. and Date	Issued by	Subject
1	S. R. O. 213, dated the 3rd July 1950.	Ministry of External Affairs	Amendment in the Chandernagore (Application of Laws) Order, 1950.
2	S. R. O. 241, dated the 8th July 1950.	Ministry of Commerce	Amendment in the late Department of Commerce Notification No. 91 CW(1) 45, dated the 3rd November 1945.
3	S. R. O. 242, dated the 6th July 1950.	Ministry of Transport	Further amendments in the Motor Spirit Rationing Order, 1941.
	S. R. O. 243, dated the 8th July 1950.	Do.	Do.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 5th July 1950

S.R.O. 244.—*Corrigendum.*—At pages 443R-443AC of the *Gazette of India Extraordinary*, dated the 25th January 1950, containing the Ministry of Law Notification publishing S.O. 35, the Provinces and States (Absorption of Enclaves) Order, 1950, the following correction shall be made:—

In paragraph III of the First Schedule to the Order, on page 443U, for items 1 and 2 read:—

1. Built up areas of Santjauli (202 acres), Bharari (59 acres) and Chakkar (62.6 acres) (including the Himachal Pradesh portion of Prospect Hill); and
2. Built up areas of Kasumpti and Patti Rihana (excluding the area in which Himachal Pradesh Courts are located) Area 203 acres."

[No. F. 53(4)/50-C.]

K. Y. BHANDARKAR, Joint Secy.

MINISTRY OF FINANCE**Department of Economic Affairs***New Delhi, the 11th July 1950*

S.R.O. 245.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank of India, is pleased to declare that in the case of the Punjab Co-operative Bank Ltd., Jullundur—

- (a) the provisions of sub-section (2) of section 19 of the said Act, so far as they relate to its holding in the Prem Spinning and Weaving Mills Co. Ltd., shall not apply till the 15th September 1952; and
- (b) the provisions of sub-section (3) of section 19 of the said Act, so far as they relate to its holdings in the Prem Spinning and Weaving Mills Co. Ltd. and the Central India Electric Supply Co. Ltd., shall not apply till the 15th September 1952.

[F.4(112)-F.1/50.]

K. A. DORASWAMY, Asstt. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)**STAMPS***New Delhi, the 15th July 1950*

S.R.O. 246.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government is pleased to direct that the duty chargeable under the said Act in respect of bonds executed in the State of Himachal Pradesh in connection with the receipt of loans by displaced persons, who have migrated from Pakistan, shall be remitted.

[No. 6.]

CUSTOMS*New Delhi, the 15th July 1950*

S.R.O. 247.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to cancel the notification of the Government of Bombay in the Revenue Department, No. 2819, dated the 8th March, 1915.

[No. 66.]

D. P. ANAND, Dy. Secy.

INCOME-TAX*New Delhi, the 15th July 1950*

S.R.O. 248.—The following draft of a further amendment to the Indian Income-tax (Provident Funds Relief) Rules, which it is proposed to make, in exercise of the power conferred by Chapter IXA of the Indian Income-tax Act, 1922 (XI of 1922), is published, as required by sub-section (1) of section 58L read with sub-section (4) of section 59 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 31st August 1950.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In sub-rule (1) of rule 3 of the said Rules, the words, brackets, letters and figures "or in clause (a), (b), (c), (d) or (e) of section 20 of the (Burma) Trust Act" and the words "or in British Burma" shall be omitted.

[No. 79.]

PYARE LAL, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 15th July 1950

S.R.O. 249.—In exercise of the powers conferred by clause (c) of section II of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue is pleased to make the following further amendment in its notification No. 43-Customs, dated the 21st September 1940, namely:—

In the table appended to the said notification, after entry 45 the following entry shall be added, namely:—

"45A. The area at Wadala bounded on the North, by the Trustees' land leased to the Government on which the Pipe Line Superintendents' Quarters are located and the Bombay Port Trust Railway yard, on the West, by the Bombay Port Trust Railway yard, on the South, by the Trustees' land over which pass the Tata Hydro Electric Transmission Lines, and beyond this, the land occupied by the Messrs. Burmah-Shell Oil Storage and Distributing Co., of India Ltd., and on the East, by the Trustees' Land leased to the Government on which the Pipe Line Superintendents' Quarters are located, and beyond this, the Antop Village.

For receipt of goods ordinarily landed in the docks excluding Explosives, Arms and Ammunition (in accordance with section 11 of the Sea Customs Act, 1878).

Nil"

[No. 65.]

D. P. ANAND, Secy.

INCOME-TAX

New Delhi, the 15th July 1950

S.R.O. 250.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) and in partial modification of its Notification No. 32-Income-tax dated the 9th November 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, Kanpur shall also and the Appellate Assistant Commissioner of Income-tax, Agra, shall not perform his functions in respect of Messrs. Onkar Nath Raj Narain, Agra for their appeal against the assessment for the year 1944-45.

[No. 80.]

S.R.O. 251.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) and in partial modification of its Notification No. 32-Income-tax dated the 9th November, 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner, 'A' Range, Madras, shall also and the Appellate Assistant Commissioner of Income-tax, 'B' Range, Madras shall not perform his functions in respect of Messrs. Haji M. S. Abdul Khader M. S. Abdul Rahiman & Co., Madras, for their appeal No. ITA 224/48-49 against order under section 26A for 1947-48 and No. ITA. 223/48-49 against assessment for the year 1947-48.

[No. 81.]

S.R.O. 252.—In pursuance of sub-section (4) of Section 5 of the Indian Income Tax Act 1922 (XI of 1922), the Central Board of Revenue, directs that the following further amendment shall be made in its Notification No. 32-Income-tax dated the 9th November 1946, namely:—

In the Schedule appended to the said Notification, under the Sub-head 'II-Bombay City' after the entry 'Special Circle II' against Bombay 'K' Range, the entry 'Special Investigation Branch' shall be added.

[No. 82.]

PYARE LAL, Secy.

MINISTRY OF COMMERCE

New Delhi, the 15th July 1950

S.R.O. 253.—In exercise of the powers conferred by sub-section (2) of section 4 of the Indian Tea Control Act, 1938, (VIII of 1938), the Central Government is pleased, on the recommendation of the United Planters Association of Southern India, to nominate Mr H. S. Swayne of the Devikulam Estate, Munnar P. O., Travancore, to fill the vacancy on the Indian Tea Licensing Committee caused by the resignation of Mr. J. B. Soutar.

[No. 215(1)-Law(Tea)/50.]

CENTRAL TEA BOARD

New Delhi, the 15th July 1950

S.R.O. 254.—In exercise of the powers conferred by section 15 of the Central Tea Board Act, 1949 (XIII of 1949), and after consulting the Central Tea Board, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

CENTRAL TEA BOARD RULES

1. **Short title.**—These rules may be called the Central Tea Board Rules, 1950.
2. **Definitions.**—In these rules—
 - (i) "The Act" means the Central Tea Board Act, 1949.
 - (ii) 'Chairman' means the Chairman of the Central Tea Board.
 - (iii) 'Vice-Chairman' means the Vice-Chairman of the Central Tea Board.
 - (iv) 'Member' means a member of the Central Tea Board.
 - (v) 'Secretary' means the Secretary to the Central Tea Board for the time being and includes an Acting or Assistant Secretary.

3. Headquarters—The headquarters of the Board shall be at Calcutta

Constitution of the Board and procedure to fill vacancies.

4. Nominations—The regional representatives on the Board, other than those to be nominated by the State Governments shall be nominated as follows, namely—

(a) Assam—

(i) Three members to be nominated by the Indian Tea Association in consultation with Assam and Srima Valley Branches, and

(ii) one member to be nominated by the Assam Tea Planters' Association, and

(iii) one member to be nominated jointly by the Assam Bengal Indian Tea Planters' Association and Srima Valley Indian Tea Planters' Association.

(b) West Bengal—

(i) Two members to be nominated by the Indian Tea Association in consultation with the Dooars, Dooars and Terai Planters' Associations, and

(ii) one member to be nominated jointly by the Indian Tea Planters' Association, Jalpaiguri and the Terai Indian Planters' Association

(c) Madras—

Two members to be nominated by the United Planters' Association of Southern India

(d) Travancore—

One member to be nominated by the Association of Planters of Travancore.

5. All nominations of members of the Board shall be made within 90 days from the date on which such nominations are called for by the Central Government or the Secretary to the Board.

6. Resignation.—A member of the Board may resign his office by letter addressed to the Secretary to the Board

Provided that he shall not vacate his office until his resignation is accepted.

7. Removal from the Board.—The Central Government may remove any member of the Board from his office

(a) if he becomes of unsound mind, or becomes bankrupt or insolvent, or suspends payments, or compounds with his creditors, or

(b) if he is convicted of a criminal offence involving moral turpitude or

(c) if, without leave of the Chairman, he—

(i) absents himself from India for more than six months, or

(ii) fails to attend more than two successive meetings of the Board.

8. Absence from India.—Before a member of the Board leaves India he shall intimate to the Secretary the date of his departure from and the date of his expected return to India.

9. Vice-Chairman.—(1) The Board shall in each year elect a member to be Vice-Chairman of the Board for twelve months commencing from the date of the election

(2) In the event of the Vice-Chairman resigning his office as such or ceasing to be a member of the Board, the Board shall forthwith elect a member to be Vice-Chairman of the Board for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

10. Minimum number of meetings.—The Board shall meet at least once in a quarter.

11. Power to call meetings.—The Central Government or Chairman may, at any time, call a meeting of the Board, and the latter shall do so, if a requisition for that purpose is presented to him in writing by at least ten members of the Board.

12. Quorum.—No business shall be transacted at a meeting of the Board unless there are present at least ten members

13. Business by circulation—(1) Any business which it may be necessary for the Board to transact may, if the Chairman so directs, be carried out by circulation of papers among all its members and any resolution so circulated and approved by the majority of members signing shall be as effectual and binding as if the resolution had been passed at a meeting of the Board

Provided that—

(a) at least ten members have recorded their views on the resolution;

(b) when a resolution is referred by circulation of papers, any five members of the Board may require that the resolution be referred to a meeting, and thereupon such reference shall be made to a meeting of the Board;

(2) When any business is so referred to the members by circulation, a period of not less than fourteen clear days shall be allowed for the receipt of replies from members, such period to be reckoned from the date on which notice of the business is issued,

(3) If a resolution is circulated, the result of the circulation shall be communicated to all the members

14. Executive Committee.—Seven members of the Executive Committee of whom at least one shall be an official shall be elected by the members of the Board at its first meeting or as soon thereafter as possible.

15. Casual Vacancy in Executive Committee—Any casual vacancy occurring among the elected members of the Executive Committee shall be filled by election at the next meeting of the Board or any other subsequent meeting

16. Functions of Executive Committee.—The Executive Committee shall be responsible for carrying on the day to day duties of the Board and shall also exercise such powers of the Board, not being those mentioned in rule 17, as may be delegated to it by the Board.

17. Restrictions on delegation of Powers.—The Board shall not delegate any of the following powers to the Executive Committee; namely:—

(a) the power to sanction expenditure in excess of Rs 10,000/- in respect of any one item,

(b) the power to adopt the budget estimates of the Board on its behalf,

(c) the power to sanction expenditure to be incurred outside India,

(d) the power to re-appropriate estimated savings in excess of Rs. 2,500/- in the case of any one item,

(e) the power to dispose of appeals against orders of dismissal from the employes of the Board in receipt of a salary of Rs 500/- and above per mensem,

(f) the power to write off losses in excess of Rs. 1,000/- in any one case.

18. Minutes.—Minutes of the proceedings of the meetings of the Board and of the Executive Committee shall be kept and shall be signed by the person presiding over such meetings. Copies of the minutes of the proceedings of the meetings of the Board shall be submitted to the Central Government and also to the State Governments and bodies by whom members are nominated.

19. Contracts.—The Board may enter into contracts provided that every contract which extends over a period of more than three years or involves expenditure in excess of Rs. 50,000/- shall require the previous sanction of the Central Government

(2) The Board may, by a by-law, delegate to the Executive Committee, Chairman or Secretary, such power of entering into contracts on its behalf as it may think fit.

(3) Contracts shall not be binding on the Board unless they are executed by the Chairman or Vice-Chairman and by the Secretary with the previous approval of the Executive Committee, and the common seal of the Board is affixed thereto

(4) Neither the Chairman nor the Secretary nor any member of the Board shall be personally liable for any assurance or contract made by the Board, but any liability arising under such assurance or contract shall be discharged from the moneys at the disposal of the Board

20. Budget Estimates.—(1) The Board shall in each year prepare a budget for the ensuing year and shall submit it for the sanction of the Central Government on or before such date as may be appointed by them. No expenditure shall be incurred until the budget is sanctioned by the Central Government and the expenditure has received the sanction of the competent authority.

(2) The budget shall be in such form as the Central Government may direct and shall include a statement of

- (a) the estimated opening balance
- (b) the estimated receipt from the proceeds of the duty levied under section 11 of the Act and from other sources, and
- (c) the proposed expenditure classified under the following major heads or such other heads as the Central Government may direct:—

(i) Administration.

(ii) Propaganda—Inside India.
Outside India.

(iii) Research.

(iv) Statistics.

(v) Others.

(3) The proposed expenditure under each major head shall be further classified under the following sub-heads —

(i) Pay of officers.

(ii) Pay of Establishment.

(iii) Allowances, honoraria etc

(iv) Other charges Contingencies etc.

(4) Supplementary estimates of expenditure shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by them.

21. Maintenance and Publication of Accounts.—(1) The Board shall maintain accounts of all receipts and expenditure.

(2) Such accounts shall be audited annually by auditors appointed in this behalf by the Central Government and such auditors shall disallow any item which in their opinion has been spent otherwise than in accordance with the Act or these rules.

(3) If any item is so disallowed, an appeal for the disallowance shall lie to the Central Government, whose decision shall be final.

(4) The accounts of receipts and expenditure relating to each financial year together with the auditor's report thereon, shall be submitted to the Central Government as soon as may be but not later than six months after the close of the year. The Accounts and auditors' report shall be published in the official gazette.

(5) The accounts of receipts shall include a statement of all sums received by the Board to the credit of the Tea Improvement Fund during the financial year which shall be shown under the following heads.—

(a) moneys received under section 11 of the Act,

(b) other moneys received by the Board,

(c) interest received from the investment of such moneys as aforesaid.

(6) Total receipts shall only be shown under each of the heads specified in sub-rule (5) and the opening balance shall also be stated.

(7) Expenditure incurred during the financial year shall be shown under separate major heads and sub-heads mentioned in clause (c) of sub-rule (2) and sub-rule (3) of rule 20.

(8) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

22. Power to incur expenditure.—(1) Subject to the provisions of the Act and the rules framed thereunder, the Board may incur such expenditure as it may think fit, and write off losses up to Rs. 5,000 in any one case and may delegate to the Executive Committee or to the Chairman, Secretary or to any other officer of the Board such financial powers as it may consider expedient.

Provided that, save with the sanction of the Central Government, no expenditure shall be incurred which is in excess of the sanctioned budget allotment under any major head.

(2) Re-appropriations within a major head of expenditure may be made by the Board and subject to clause (d) of rule 17 of these Rules the Board may delegate its powers in this behalf to the Executive Committee.

(3) Re-appropriation between major heads of expenditure shall not be made save with the previous sanction of the Central Government.

(4) The Board may incur expenditure outside India subject to the previous sanction of the Central Government.

23. Borrowing Powers.—The Board may with the previous sanction of the Central Government borrow on the security of the Tea Improvement Fund or any other of its assets for meeting its expenses and for any of the purposes referred to in section 10 of the Act:

Provided that no loan shall be taken which is repayable later than six months from the date of the loan.

24. Appointment of officers and servants.—(1) All posts of officers and servants of the Board shall be created and all appointments to those posts shall be made by the Board:

Provided that the creation of a post of which the maximum salary exceeds Rs. 500 p.m. and an appointment thereto shall not be made without the previous sanction of the Central Government.

(2) The Board shall, in respect of its officers and servants, make by-laws to regulate—

(i) the conditions of service,

(ii) the appointment, promotion and dismissal,

- (iii) the grant of pay, leave, allowances, pensions, gratuities, compassionate allowances,
- (iv) the payment of travelling allowances and,
- (v) the establishment and maintenance of a provident fund.

Provided that the grant of leave and allowances to permanent Government servant whose services have been lent or transferred to the Board shall be decided with the previous approval of the Government competent to sanction in respect to the services of the Board.

25. Allowances and remuneration. Save with the previous sanction of the Central Government no remuneration other than travelling allowance and halting allowance shall be paid to any member of the Board on account of his services as such.

26. Custody and disbursement of Funds.—The Board shall make by-laws for the custody and disbursement of its funds.

Provided that the current account of the Board shall be kept with the Imperial Bank of India or any other bank approved by the Central Government and all moneys at the disposal of the Board with the exception of petty cash and imprests shall be paid into that account.

Provided further that any funds not required for current expenditure may be placed in fixed deposit with any bank approved in this behalf by the Central Government or invested in the name of the Board in any security in which trust property may lawfully be invested under the Indian Trusts Act, 1882.

[809(2)-Law (Tee)/49]

M. A. MULKY, Dy. Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 7th July 1950

S.R.O. 255.—In exercise of the powers conferred by Section 14 (iii) of the Indian Lac Cess Act, 1930 (XXIV of 1930) the Central Government is pleased to appoint Dr. R. W. Aldis of Messrs. Anglo Brothers Ltd., Cossipore, Calcutta nominated by the Bengal Chamber of Commerce, to represent the Shellac Manufacturing Industry to be a member of the Governing Body of the Indian Lac Cess Committee *vice* Mr. J. P. Young.

[No. F. 425/50-Com.]

A. N. BERY, Under Secy.

New Delhi, the 8th July 1950

S.R.O. 256.—In exercise of powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1948 (XXIV of 1948) the Central Government is pleased to direct that the powers conferred on them by sub-section (1) of Section 3 of the said Act to make orders in relation to the prohibition of export of mustard oil and mustard seeds from the State of Assam shall also be exercisable by the Government of Assam subject to the conditions that—

- (a) no such order shall remain in force after the 30th September 1950, and
- (b) that such orders shall not apply to the movement of mustard oil and mustard seeds against valid export licences issued by the Government of India for export out of India.

[No. F. 50-6/49 Comm.]

S. R. MAINI, Dy. Secy.

New Delhi, the 8th July 1950

S.R.O. 257.—The following draft of a further amendment to the Ghee Grading and Marking Rules, 1938, which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st August, 1950. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

For Schedule II to the said Rules, the following shall be substituted, namely:—

“SCHEDULE II.

Grade designation marks for Ghee

(See Rule 4)

Grade designation	Design of label	Colour of lettering showing the label	Colour of the circular border of the label
SPECIAL		RED	RED
GENERAL		GREEN	GREEN

NOTE:—The labels shall be printed on the water mark paper of the Government of India and shall have a micro-tint back-ground bearing the words ‘Government of India’ in olive green colour”. [No. F. 4-2/50-Co.]

S.R.O. 258.—The following draft of a further amendment to the Tobacco Grading and Marking Rules, 1937, which it is proposed to make in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published, as required by the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th August 1950.

Any objection or suggestion, which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

After Schedule X annexed to the said Rules the following Schedule shall be inserted, namely:—

SCHEDULE XI

Grade designations and definition of quality of unmanufactured sun-cured "Desi" tobacco (Nicotiana Tabacum) of chewing type grown in Bihar.

(Sec Rules 2 & 3)

Grade Designation.	Special characteristics.			
	Colour* @	Texture @	Blomish**	Minimum length @ (in inches)
Grade I				
Special	Reddish to dark brown	Thick	Nil	20
Large	"	"	"	16
Medium	"	"	"	12
Small	"	"	"	8
Grade II				
Special	Brown	Medium	2/16	20
Large	"	"	"	16
Medium	"	"	"	12
Small	"	"	"	8
Grade III				
Special	Light Brown	Medium	2/16	20
Large	"	"	"	16
Medium	"	"	"	12
Small	"	"	"	8

*Greenish tinge may be permitted in Grades 1 and 2 while greenish and/or brownish patches may be permitted in Grade 3.

@To allow for accidental errors in grading a tolerance of 1/16th for colour and texture and a tolerance of 10% for size in respect of leaves corresponding to the specifications in the next lower grade will be allowed.

** Blomish shall include damage due to pests and disease, brack^a handling, dark spots or other damage. The figures of proportion given under this co^age in the total area of leaf affected in any sample. ^alumn refer to

New Delhi, the 10th July 1950

S.R.O. 259.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act 1937 (1 of 1937) is published as required by the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st August, 1950.

All objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Rules

1 *Short title and application.*—(i) These rules may be called the Wool (Grading and Marking) Rules 1950.

(b) They shall apply to wool obtained from sheep in any part of India except a Part B State and of specified trade descriptions as set out in the annexed schedules.

2 *Grade designations.*—The grade designations to indicate the characteristics and quality of wool of specified traded descriptions are set out in column 1 of the relevant schedules, I to VII.

3 *Definition of quality.*—The definition of quality indicated by the grade designations is specified in columns 3 to 7 of the relevant schedules.

4 *Grade designation mark.*—The grade designation mark to be applied to each bale or package shall consist of a label bearing the design set out in Schedule VIII and the colour of the printed lettering on the label shall be as set out in the said Schedule.

5 *Method of marking.*—The grade designation mark shall only be applied on full or half pressed bales as the case may be in a manner approved by the Agricultural Marketing Adviser to the Government of India. In addition to the grade designation mark the following particulars shall be clearly indicated on the label—

- (i) Serial number,
- (ii) Trade description,
- (iii) Name of place of packing,
- (iv) Date of packing and marking.

Provided that an authorised packer may stamp or write his private trade mark on the bale or package, if such private trade mark represents the same trade description, quality and grade of wool as that indicated by the Agmark label and is only certified by the Agricultural Marketing Adviser to that effect.

6 *Method of packing.*—The wool shall be press packed with covering of new gunny cloth in bales with sufficient number of bands tightly placed around the bale of customary weights of 200 to 400 lbs (90.7 to 181.4 kg).

7 In addition to the conditions specified in rule 4 of the General Grading and Marking Rules 1937, the conditions set out in Schedule VIII to these rules shall be the conditions of any certificate of authorisation issued for the purposes of these rules.

SCHEDULE I

Grade designations and definition of quality of Indian White Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	White	Shall not contain more than 5% of creamy and dirty white fibres and shall not contain wool of any other colour.	88 per cent. or over.	2 per cent.	An average length of the fibres shall be 3.0 inches (7.6 cm.)	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	White	Ditto	82 per cent. or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.)	
III	White	Ditto	75 per cent. or over.	3 per cent.	Ditto	

SCHEDULE II

Grade designations and definition of quality of Indian Creamy White Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Creamy White.	Shall not contain more than 5% of or pale yellow fibres and shall not contain wool of any other colour.	88 per cent. or over.	2 per cent.	An average length of the fibres shall be 3 inches (7.6 cm.)	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	Creamy White.	Ditto	82 per cent. or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.)	
III	Creamy White.	Ditto	75 per cent. or over.	3 per cent.	Ditto	

SCHEDULE III

Grade designations and definition of quality of Indian Dirty White Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Dirty White.	Shall not contain more than 5% of pale yellow fibres and shall not contain wool of any other colour.	88 per cent or over.	2 per cent.	An average length of fibres shall be 3.0 inches (7.6 cm.)	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	Dirty White.	Ditto	82 per cent or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.)	
III	Dirty White.	Ditto	75 per cent or over.	3 per cent.	Ditto	

SCHEDULE IV

Grade designations and definition of quality of Indian Pale Yellow Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Pale Yellow.	Shall not contain more than 5% of white and yellow fibres and shall not contain wool of deep yellow or of any other colour.	88 per cent or over.	2 per cent.	An average length of the fibres shall be 3.0 inches (7.6 cm.)	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	Pale Yellow.	Ditto	82 per cent or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.)	
III	Pale Yellow.	Ditto.	75 per cent or over.	3 per cent.	Ditto	

SCHEDULE V

Grade designations and definition of quality of Indian Yellow Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Yellow	Shall not contain more than 5% of deep yellow fibres and shall not contain wool of any other colour except white and pale yellow.	88 per cent or over.	2 per cent.	An average length of the fibres shall be 3.0 inches (7.6 cm.)	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	Yellow	Ditto	82 per cent or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.)	
III	Yellow	Ditto	75 per cent or over.	3 per cent.	Ditto	

SCHEDULE VI

Grade designations and definition of quality of Indian Deep Yellow Wool

Grade designation	Colour of fibre	Special characteristics				General characteristics
		Tolerance limit for colour	Yield per cent. of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Deep Yellow.	Shall not contain wool of no other colour except white or yellow.	88 per cent. or over.	2 per cent.	An average length of the fibres shall be 3.0 inches (7.6 cm.).	All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored.

SCHEDULE VI—*contd.*

1	2	3	4	5	6	7
II	Deep Yellow.	Shall not contain wool of no other colour except white or yellow.	82 per cent or over.	2 per cent	An average length of the fibres shall be 2.25 inches (5.7 cm.).	} Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
III	Deep Yellow.	Ditto	75 per cent or over.	3 per cent.	Do.	

SCHEDULE VII

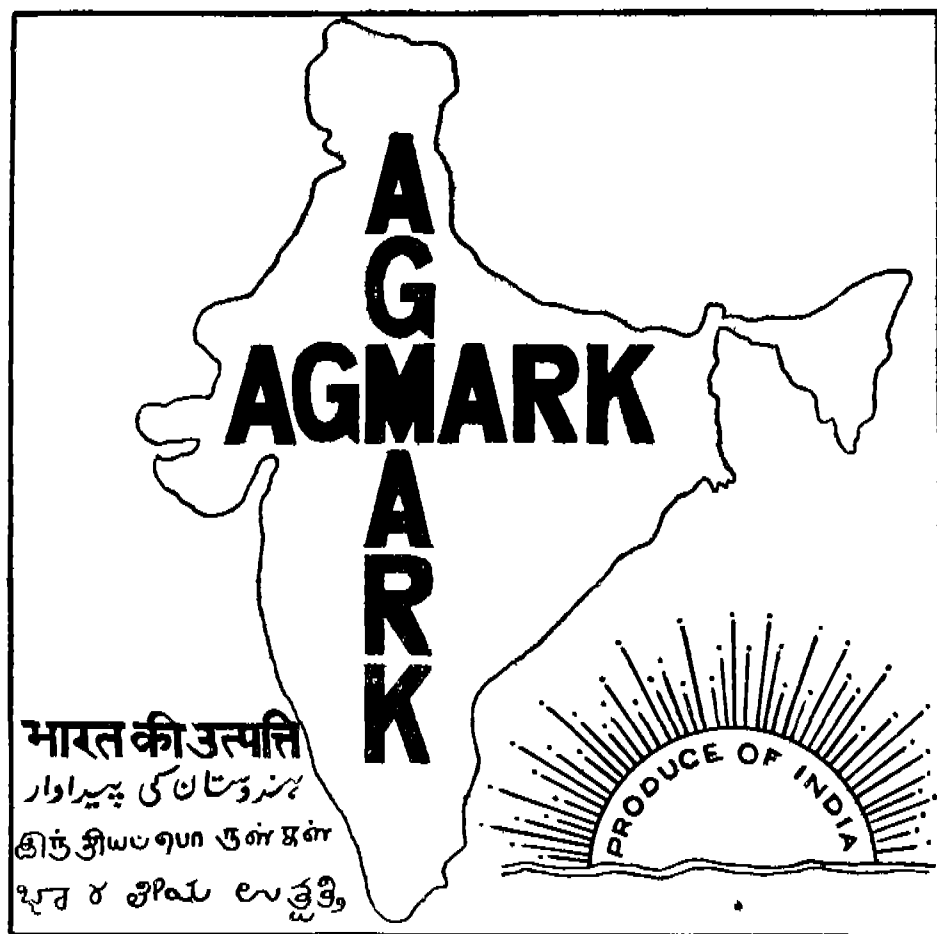
Grade designations and definition of quality of Indian Coloured Wool.

Grade designation	Special characteristics					General characteristics
	Colour of fibre	Tolerance limit for colour	Yield per cent of wool	Tolerance limit for refraction in yield	Length	
1	2	3	4	5	6	7
I	Coloured Wool.	May contain fibres of any colour.	88 per cent or over.	2 per cent.	An average length of the fibres shall be 3.0 inches (7.6 cm.).	} All grades shall be free from burrs, thorns, sticks, etc. Only grease, dirt and dust and minute particles of vegetable matter clinging to fibres will be ignored. Wool of all grades shall be clean and dry in feel. Fibres shall be fairly uniform in quality.
II	Coloured Wool.	Ditto	82 per cent or over.	2 per cent.	An average length of the fibres shall be 2.25 inches (5.7 cm.).	
III	Coloured Wool.	Ditto	75 per cent or over.	3 per cent.	Do.	

SCHEDULE VIII

(See Rule 4)

The grade designation mark to be applied to bales of wool shall contain the following design:—



The colour of the printed lettering on the labels for different trade descriptions shall be as under:—

<i>Trade description of wool</i>	<i>Colour of printed lettering</i>
White	Red
Creamy White	Blue
Dirty White	Green
Pale Yellow	Orange
Yellow	Yellow
Deep Yellow	Brown
Coloured wool	Black

[No. F. 3-7/50-Co.]

P. M. DAS GUPTA, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 3rd July 1950

S.R.O. 260.—In exercise of the powers conferred by Section 52 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), and in supersession of the notification of the Government of India in the Ministry of Rehabilitation No 14(118)Cus/50, dated 10th May, 1950, the Central Government is pleased to exempt the following classes of persons from the operation of sub-clause (i) of clause (d) of Section 2 of the said Act, namely:—

(a) Any person who on or after the 1st day of March 1947 migrated from India to Pakistan but has returned to India before the 18th day of July 1948 and has settled therein.

Provided that such person has not subsequently visited Pakistan except in the circumstances and subject to the conditions specified in clause (b).

(b) Any person who has left or leaves for Pakistan on a temporary visit taking with himself a "No objection to return" certificate, and has returned, or returns, to India under a valid permit issued under the Influx from Pakistan (Control) Act, 1949, for permanent return to India:

Provided that such person has not made any other journey to Pakistan except in similar circumstances and subject to the same conditions.

(c) Any person who has come from Pakistan to India before the 18th day of October, 1949, under a valid permit issued under the Influx from Pakistan (Control) Act 1949, for permanent resettlement in India.

Provided that—

(1) no member of the family of such person wholly dependent upon his earnings for the provision of the ordinary necessaries of life has after his return remained behind in Pakistan with his approval or consent;

(2) such person has not subsequently left for Pakistan except in the circumstances and subject to the conditions specified in clause (b); and

(3) no member of the family of such person hereinbefore described has subsequently left for Pakistan with his approval or consent.

2 Nothing in this notification shall apply to any person who has settled in Pakistan and has been visiting India merely for the purpose of looking after his property or other interests.

[14(118)Cus/50]

V. D. DANTYAGI, Joint Secy.

MINISTRY OF INDUSTRY AND SUPPLY
RUBBER CONTROL

New Delhi, the 11th July 1950

S. R. O. 261 The following statement of accounts of the Indian Rubber Board for the year ended 31st December 1949 is published in pursuance of sub-rule (2) of rule 26 of the Rubber (Production and Marketing) Rules 1947, :—

THE INDIAN RUBBER BOARD

Receipts and Payments Accounts for the year ended 31 December, 1949

RECEIPTS			PAYMENTS		
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
To Balance as on 1st January 1949—			By Office Rent . . . . .	..	2,780 0 0
With Imperial Bank of India, Cochin :—			By Officers' Salaries and Establishment charges.—		
On Fixed Deposit Account.—			Salaries	37,459 5 11	
General	45,107 13 0		Dearness Allowance	14,429 8 11	
Scientific Research Fund	10,254 12 0	55,362 9 0	Special Allowance	180 0 0	52,068 14 10
On Current Account—		18,637 13 1	By Travelling and Daily Allowances . . . . .	..	14,103 13 6
Cash on hand Rs.		330 7 11	By Stationery and Printing . . . . .	..	3,326 1 6
Stamps on hand		28 0 0	By Postage and Telegrams . . . . .	..	4,487 7 6
		74,358 14 0	By Research and Propaganda.—		
The Indian Rubber Board Provident Fund.—			Scientific Research Fund Expenses	660 0 0	
Investments at Cost.—			Rubber Leaflets	1,199 7 10	
Rs. 5,800/- 3% 1951/54 Government of India Loan	5,922 4 0		Latex Testing Equipment	21 10 0	1,881 1 10
Rs. 1,000/- 3% 1970/75 Government of India First Development Loan	1,002 8 0	6,924 12 0	By Miscellaneous.—		
Amount with Imperial Bank of India, Cochin		2,782 13 10	Purchase of Furniture	1,981 3 0	
		9,707 9 10	Sundry Expenses	2,057 13 1	
		84,066 7 10	Advertisement	1,821 14 0	
			Books & Periodicals	240 6 10	
			Discount on cheques	281 12 6	
			Audit fee	1,042 4 0	
			Law Charges	600 0 0	
			Medical Expenses	411 5 0	

RECEIPTS

PAYMENTS

	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
To Excise Duty.			Contribution to Leave Salary of Officers—			
To Fees on Account of.—		1,33,083 0 10	“Collection of Payments for services rendered”.	..	418 13 0	
Manufacturers’ Licence .	2,174 12 0		Contribution for Pensions.—			
Dealers’ Licence . . .	19,400 0 0		“Receipts in aid of Superannuation”	..	87 11 0	
New Planting Licence .	31 0 0	21,618 12 0	Contribution to the Indian Rubber Board Provident Fund . . . . .	..	1,451 3 0	
Replanting Licence . .	13 0 0		Income tax on Interest on Fixed Deposit . . . .	..	47 3 0	
					10,441 8 5	78,647 7 2
To Interest on Fixed Deposit Account.—			By Miscellaneous—			
General	676 9 9		Staff Income tax . . . .	..	1,537 5 11	
Scientific Research Fund	153 13 0	830 6 9	Advance to staff towards Travelling expenses . .	..	203 2 3	
			Sundry Receipts refunded	..	134 4 0	
			Sundry Payments recoverable . . . . .	..	18 10 0	12,334 14 7
To Miscellaneous.—			By The Indian Rubber Board Provident Fund.—			
Amount received from staff for payment of Income tax	1,044 6 7		Payment to Subscribers . .	..	2,393 14 6	
Sundry Deposits recovered	144 6 5		Interest paid on purchase of Government Securities	..	26 10 0	
Sundry Payments recovered	56 6 0		Bank Charges . . . . .	..	3 14 6	2,424 7 0
Sundry Receipts refundable	3 12 0					
Sundry Receipts	6 2 0		By Balance as on 31st December 1949.—			
Refund of Advance to Staff towards Travelling expenses	203 2 3		With Imperial Bank of India, Cochin.—			
Refund of Income tax on Interest on Fixed Deposits	47 3 0	1,505 6 3	On Fixed Deposit Account.—			
			General Fund	80,107 13 0		
			Scientific Research Fund	40,408 9 0	12,0516 6 0	

The Indian Rubber Board Provident Fund.—		On Current Account	16,899 0 0
Subscription by Members	3,106 3 0	With the Central Bank of India, Ltd., Kottayam,	
Contribution by the In- dian Rubber Board	1,451 3 0	on Current Account	3,141 11 8
Interest on Government Securities	324 0 0	Cash on hand	40 4 6
Refund of Income-tax on Interest	24 6 0	Stamps on hand	16 11 11
Amount recovered on Loan to staff	235 0 0		<hr/> 140,414 2 1
Interest on Loan to staff	2 3 0		
	<hr/> 5,142 15 0	The Indian Rubber Board Provident Fund.—	
		Investments at Cost.—	
		Rs. 5,800/- 3% 1951/54	
		Government of India Loan	5,922 4 0
		Rs. 3700/- 3% 1970/75	
		Government of India First Development Loan.	3,705 14 0
			<hr/> 9,628 2 0
		Amount with Imperial Bank of India, Cochin on Cur- rent account	
			2,797 15 10 12,426 1 10 152,840 3 11
	Rupees 2,46,247 0 8		Rupees 246,247 0 8

Madras, 25th May 1950,

Sd/- V. C. NAIDU,
Secretary, Indian Rubber Board.

We have examined the foregoing Receipts and Payments Account and in accordance with Section 24, Clause (2) of the Rubber (Production and Marketing) Act, 1947, we beg to report that in our opinion, the payments made as shown therein have been expended in pursuance of the purposes of the Act.,

Sd/- FRAS KB & ROSS } Auditors,
Chartered Accountants

PREM CHAND Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 10th July 1950

S.R.O. 262.—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government is pleased to direct that the following further amendments shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

I. In the said Rules, for rule 106 the following rule shall be substituted, namely:—

"106. Diseases which a drug may not purport to prevent or cure.

No drug may purport or claim to prevent or to cure one or more of the diseases or ailments specified in Schedule J or to procure or assist to procure miscarriage in women."

II. For the heading to Schedule J annexed to the said Rules the following heading shall be substituted, namely:—

"Diseases and ailments (by whatever name described) which a drug may not purport to prevent or cure."

[No. F.1-5/48-D.]

J. N. SAKSENA, Under Secy.

MINISTRY OF COMMUNICATIONS**ORDER**

New Delhi, the 6th July 1950

S.R.O. 263.—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government is pleased to exempt from the operation of the provisions of paragraph 4 of Section C of Schedule II to the said Rules any person who satisfies the medical requirements proscribed for a Senior Commercial Pilot in Chapter 6 of Annex 1 to the Convention on International Civil Aviation.

[No. 10-A/97-50]

P. K. ROY, Dy. Secy.

MINISTRY OF TRANSPORT

New Delhi, the 15th July 1950

S.R.O. 264.—In exercise of the powers conferred by section 70 of the Inland Steam-vessels Act, 1917 (I of 1917), the Central Government is pleased to declare that "Tidal Waters of the Bombay Harbour and of the rivers leading into it, that are to the North and East of an imaginary line drawn from Colaba point in transit to Sunk Rock Light House to the North of the Great Karanja Hill" shall be deemed to be inland water for the purposes of the said Act during the period of foul weather season from the 26th May to the 31st August of each year and that for the rest of the year limits of inland water will be the same as those prescribed under the notification of the Government of Bombay, No. 36, dated the 17th March, 1893.

[6-M(30)/49.]

T. S. PARASURAMAN, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 4th July 1950

S.R.O. 265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimisation, etc., in respect of banking companies in the State of Madras:—

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES),
BOMBAY.

ADJUDICATION

BETWEEN

The Indian Bank, Ltd., Madras.

The Imperial Bank of India, Madras.

The Andhra Bank, Ltd., Madras.

AND

Their Workmen.

In the matter of alleged victimization in the State of Madras.

Appearances:

1. Shri P. Suryanarayan Rao and Shri Bhairava Prasad, Advocates, for the Andhra Bank, Ltd.
2. Mr. Miller of M/s. King and Partridge, Solicitors, for the Imperial Bank of India.
3. Shri B. Lakkappa Rai, Advocate, and Shri Ramkrishna Rao, Staff Officer, for the Indian Bank, Ltd.
4. Shri K. V. Subba Rao, employee in person.
5. Shri R. M. K. Solayappa, employee in person.
6. Shri T. S. Ramanujam, President, Provincial Union of Bank Employees, Madras, for Shri Poornachandra Rao, along with Shri Poornachandra Rao.
7. Shri E. Venkataram, Advocate, for Shri B. Someshwara Rao, with Shri Someshwara Rao.

AWARD

The cases which are dealt with in this Award were heard at Madras from the 6th April 1950 to 12th April 1950.

Andhra Bank, Ltd.

Shri G. V. Poornachandra Rao—This employee was in the service of the Bank from 1-6-1943 as godown keeper. His services were terminated on 15-12-1948 as no longer required. It is stated that such action was taken on the basis of an inspection report made by the banks' inspector of godowns to the effect that his work was hopelessly negligent, that the forms which had to be filled up in connection with advances on turmeric were left blank and that no entries had been made in the relevant account books of the bank. When the inspection was made the employee was on leave. He was recalled to duty and the omissions and irregularities were sought to be made up or rectified. He went on leave again from 4-9-1948 and was transferred to Gudur on 1-10-1948. Again he asked for medical leave from 2-2-1948 to 11-12-1948 and sought extension for a month. He wanted to be transferred to Duggirala or Bezvada

on account of his mother's illness but the order terminating his services reached him on 15.12.1948.

It is pointed out by Sri Pappu Subramanyam Rao who appeared for the Bank that the employee was not given any copy of the inspection report that no charges were framed against him and that he was not given any opportunity to show cause why his services should not be terminated. When services stop such as dismissal or discharge from service is taken against an employee, naturally it requires that he should be told that the allegations against him are and he should be given an opportunity to explain them. It has come to the notice of this Tribunal that many banks have not so far been following this procedure. We have no hesitation in condemning the practice of sending away even a permanent employee of the bank, merely alleging that there was reasonable cause for such a step and giving him one month's wages in lieu of notice. The Shops and Establishments Acts may recognise this procedure but we are of the opinion that it is liable to abuse. Instead of getting rid of an employee on a balance sheet which has to be supported by satisfactory evidence recorded on an enquiry held for the purpose it is no doubt convenient to the bank it is time to discharge an employee on payment of one month's wages stating that there was reasonable cause. It is true that the person whose services are so dispensed with has a right to appeal to the prescribed authority. But such appeals often prove infructuous the discharge being heavily loaded against the employee by an order of discharge which is virtually an order of dismissal.

Following the other cases in which we have interfered in similar circumstances and directed reinstatement we would have adopted the same course in the case of this employee also. But there is a legal difficulty in the way which appears to us to be insurmountable. It is this. On the same grounds and questioning the same order of discharge, Poornachandria Rao in exercise of his right of appeal under Section 41(2) of the Madras Shops and Establishments Act went before the Labour Commissioner who is the specified authority. The Labour Commissioner heard the appeal and dismissed it on 11th July 1949 holding that "the applicant has admitted many irregularities and negligence in his statement before me. In the circumstances I hold that the discharge of the applicant was for a reasonable cause. One month's wages in lieu of notice has been paid to him. Under sub-section (3) of Section 41 the decision of the appellate authority is final and binds both the employer and the person employed."

It appears to us that it is not open for us now to sit in appeal over the appellate authority's order and set it aside. It is true that Ordinance No. VI of the Government of India providing for the adjudication of industrial disputes concerning certain banking and insurance companies came into force on 30th April 1949 that is earlier than the date of the Labour Commissioner as the appellate authority. Under clause 5 of the said Ordinance if any industrial dispute had been referred to any Tribunal or other authority for adjudication or settlement and was pending on the date of the Ordinance the reference is to be deemed to be withdrawn and all proceedings held in pursuance of it are to abate. But there was not such reference in this case. The employee did not go before the Central Government under sub-clause (2) of the said Ordinance asking for such reference. He utilised the provisions of the Shops and Establishments Act and preferred an appeal. The proceedings before the Labour Commissioner as regards the appeal were not held on any reference made to him by the Provincial Government they were initiated by way of an appeal by the employee to a duly constituted authority who heard the same as *persona designata* and decided against the employee by dismissing his appeal.

The argument that is the ordinance was either that the Liaison Committee consider, by the fact of its issuing the order, to decide the propriety of putting the Ordinance does it say that *all* pending proceedings were suspended and that the workmen shall abide it provides that the order is initiated by means of a reference by the Provincial Government to the Dispute Tribunal. The fact that this Tribunal has the duty that the Labour Commission acting under Section 41(2) of the Mills Shops and Establishments Act makes no difference.

Following upon the Labour Commissioner's order, it is to be noted that the respondent also appealed to the Act in self defence on account of his resignation and that of P. Achundin Rao. No Union or body of workmen took up the case as the subject of any dispute prior to the 13th June 1941. A Mr. P. P. J. da Silva, F. S. L. M. M. appeared at the final hearing and acted as counsel on the employee's behalf as the employee felt himself overpowered and content to do so.

The effect is dismissed

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10.—The employee appeared in person. Shri Pappu Subbarao presented the Bank. Sri Subba Rao was a member of the Bank. He produced the book of a professional accountant. Finally, verbal evidence was furnished on 17th December 1948 he was the agent of the Bank. Dagnall's noted for its turnover produce. The Bank's balance sheet during the year shows deposits in pits. The quantity of the produce and the pits in which they were stored had already been placed in the godown and the godown keeper, Subba Rao, was not his job well. He admits this even in the rejoinder he has filed. He says that there were arrears in the filling and writing up of the account books relating to the advances on turnover and he concedes that the forms and documents were not prepared before advances were made were all in bank. He, however, seeks to throw the blame on the godown keeper, Poojitha, whose case we have just now dealt with, and the shroff who was concerned by six previous years. He pleads his own inexperience in this line of business. When two inspectors of banks and godowns came to the Bank, he said everything was found to be in a mess more or less. Poojitha, the godown keeper, was on leave. He was created a clerk and he entered some of the entries in the account books for the first time. In this way the omissions were sought to be rectified. He says that he has seen the accounts of 1945 but Sri Rao says that he was a clerk according to his vision, expanding but he was a clerk and he was also inexperienced. The reports of the two inspectors were sent to his seniors. He answered the godown inspector but could not make his remarks in the branch inspector's report as he had some documents from the head office which were not

On 1st Feb 1948 his information and his movements were stopped. He was asked to pay the sums advanced to the extent of Rs. 7 to Rs. 8 lakhs. He was asked to go to his job in addition to his duties as agent. In Decmbr 1948 Rs. 30,000 alone had to be collected. He was transferred to the head office and the reliever came on 6th December 1948 and he handed over charge to him the next day. The order terminating his services was received on 17th December 1948 on which day also he collected some loans advanced by the bank.

The Bank has a long tale to tell of Subba Rao's serious omissions and irregularities. The office accounts were kept in a confused state. The names

of the constituents were not written up in the ledgers. There were no entries to identify the turmeric pits. The pro-notes, security letters and documents describing the goods pledged were all kept blank. The godown certificates had not been prepared. The delivery orders were not signed by the agent. Interest due by the constituents was not debited against them. All this is revealed in the deposition which Subba Rao gave before the Labour Commissioner before whom he went up in appeal. The Labour Commissioner dismissed the appeal by order Ex. 4. The duties that Subba Rao had to perform appear from Ex. 5. For the reason given by us in the award relating to Poornachandra Rao we must hold that the order of the Labour Commissioner as the appellate authority under the Shops and Establishments Act has become final. Further, Subba Rao is not a 'workman' within the meaning of the Act but was an 'Agent'. His complaint that his services were wrongfully terminated does not amount to an 'industrial dispute' within the meaning of the Act.

Imperial Bank of India.

Shri B. Someshwara Rao.—It has become unnecessary to deal at any length with this employee's case in view of what is to be mentioned at the end of this report. The facts may, however, be set out shortly.

He was a cashier in the Vizagapatam branch of the bank on the date when he was removed from service. On 2nd May 1947 there was a shortage of Rs. 2,000 at his counter. He made good the loss on the same day. Wanting to recoup this loss he applied to the Vizagapatam Merchants' Association for monetary help on 9th October 1947 and 26th December 1948. The Secretary of the Association sent a complaint to the Agent of the bank about this request and wanted the transfer of the man to some other station. Someshwara Rao hit upon yet another plan for help. He got one of his friends called Mandavalli Sandow to give benefit performances of feats of strength and valour in his favour and he actively canvassed for the sale of tickets for the shows. The local agent of the branch sent a report about this and other instances of misconduct to the Head Office after calling for and obtaining his written explanation. He was sent on leave until instructions were received from the Head Office and he was finally discharged on payment of a month's notice in lieu of wages by an order dated 16th February 1949.

The Agent's report refers to three instances of misconduct. There is a reference in the report to an allegation by the employee of being stabbed by the Head Cashier which was later whittled down to an attack by blows. The Committee of the Local Board of the bank which considered the case had all the allegations before them, proved and unproved, and it is difficult to say how far the unproved ones influenced them. In fact, the memorandum prepared for the said Committee refers to the unproved charges in these words: "We are not fully satisfied that he is innocent of the charges made against him." This is hardly satisfactory. It is admitted by the bank that no formal charges were framed against him and no notice was given to the employee to show cause why his services should not be terminated.

Mr. Miller on behalf of the Bank states that the bank has agreed to hold a regular inquiry and investigate the charges afresh after giving the employee an opportunity to explain anything that may have been alleged against him. It is hoped this will be done as soon as possible. In view of this undertaking by the bank, we make no directions in this case.

Indian Bank, Ltd.

Shri R. M. K. Solyappa.—The employee was present in person. Shri Lakkappa Rai appeared for the Indian Bank. Shri T. Ramkrishna Rao, Staff Officer of the bank was also present.

Solayappa was the agent of the Pudupatti branch of the bank. As there was a shortage in the cash balance in that branch Solayappa was transferred to Tuticorin as an accountant. He regarded this as demotion, though the pay continued to be the same, and he refused to go. He took leave for some time and at the end of the period he again requested that he might be posted as an agent somewhere else or taken as an assistant in the head office. The bank was not prepared to accede to this request. As he did not join at Tuticorin as ordered, he was dismissed on 19th October 1949 from service for disobedience. On the date of dismissal, he had 13 years' service to his credit.

Treating the dismissal as one having effect from 6th June 1949 he now seeks salary from that date, restoration to service as an agent or as an assistant in the head office, compensation for loss of his job and payment of the bank's contribution to his provident fund (Rs. 919-11-5). The bank contests the claim. He was admittedly negligent. He did not join duty at Tuticorin, though it was repeatedly pointed out to him that his transfer was not by way of demotion; and when he was asked on 22nd August 1949 to show cause why he should not be dismissed he gave no explanation. The bank raised the plea that the Tribunal had no jurisdiction as he was an officer and not a "workman" and as the dismissal was after the date when this Tribunal was constituted.

Even before me, Solayappa expressed inability to join as an accountant. Throughout he has persisted in this attitude. He was put under suspension on 22nd August 1949 and was asked to show cause why disciplinary action should not be taken, but no reply was received from him. There was a report from the Tuticorin branch that he did not join duty on 6th October 1949. The bank intimated to him that disciplinary action would be taken. On 10th October 1949 he wrote to the bank asking for leave on half pay from 6th June 1949 and stated that he cared more for a fair name than for his job. Ultimately he was dismissed, as stated above, for gross breach of discipline as he was absent from duty from 6th June 1949 when his previous leave expired. He was not given any salary for the period subsequent to that date.

Solayappa appealed to the Labour Commissioner for half pay and for restoration. It is alleged by the bank, and not controverted by the petitioner, that the appeal was dismissed by the Labour Commissioner on 10th March 1950.

There can be no doubt that apart from the merits, the petition has to fail on legal grounds. Admittedly, he was an officer and not a "workman". His dismissal was after the date of the constitution of this Tribunal. Thirdly, there is no industrial dispute involved. He raised an individual dispute relating to his own dismissal or discharge, no dispute having been raised on his behalf by any union or body of workmen.

On the merits, he has no case either. Though the shortage was made good, he himself admits that it could have been avoided if he was more diligent and if he had been present when the cash box was opened by the shroff as he is required to do. There is nothing wrong under the circumstances in his being transferred to Tuticorin as accountant on the same pay. As a matter of fact there are accountants in branches who draw more salary than the agents. His objection that it may be regarded as a demotion appears to us to be largely sentimental. He was asked at the hearing whether he would join duty as an accountant at least now, if the bank could be persuaded to retrace the step it had taken. But his answer was an emphatic "no".

The petition has, therefore, to be dismissed. But we would make a strong recommendation to the bank that in view of the 13 years' service he has put

in, the fact that the shortage has been made good by the shortfall, and the additional circumstance that his view about the demotion involved in the transfer was sincerely held and not a mere make believe or a pretence, the bank might pay him the bank's share of its contribution to his provident fund, viz., Rs. 919-11-5. It is generosity of this kind instead of strict adherence to rules and technicalities, that really promote harmony and goodwill between employers and employees. The amount is a mere bagatelle for the bank but is a substantial sum for the employee.

K. C. SEN,
Chairman.

J. N. MAHMDAR,
Member.

N. CHANDRASEKHARA AIYAR,
Member.

[No. LR 2(251).]

MUSCOORIE.

9th June 1950.

S.R.O. 266—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the All India Industrial Tribunal (Bank Disputes) in the matter of alleged victimisation, wrongful termination of services, etc., in respect of banking companies in the States of Delhi and Punjab.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES),
BOMBAY

ADJUDICATION

BLIWEN

Punjab National Bank Limited,
Prabhat Bank Limited,
United Commercial Bank Limited,
Allahabad Bank Limited,
Hindustan Commercial Bank Limited,
National Bank of India Limited,
Central Bank of India Limited,
Bharat Bank Limited,

AND

Their Workmen.

In the matter of alleged victimisation, wrongful termination of services, etc., in the States of Delhi and Punjab

APPEARANCES

Shri Chandas Puri, Advocate with Shri Somesh Chandra for the Punjab National Bank Ltd.,
Shri Ranchand Khanna, Advocate for the Prabhat Bank Ltd.,
Shri D. K. Patney for the United Commercial Bank Ltd.,
Shri Bishen Das for the Allahabad Bank Ltd.,
Shri R. K. Biswas for the Hindustan Commercial Bank Ltd.,
Shri Ram Behari Lal for the National Bank of India Ltd.,
Shri S. Deep Chand for the Central Bank of India Ltd.,
Shri R. N. Rastogi for the Bharat Bank Ltd.,

Shri Vidya Sagar Mali with Shri G. L. Kakar for the Punjab National Bank Employees' Union, Punjab

Shri Kharati Lal Manga appeared in person,

Shri H. L. Puri with Shri M. L. D. Sabharwal for Punjab National Bank Employees' Union, Delhi.

Shri H. L. Parwana with Shri R. L. Sally of the Bharat Bank Employees' Union, Delhi, for Shri A. P. Gupta,

Shri Vidya Sagar Mali for Shri M. G. Gang.

Shri Dayal Das with Shri Ganga Narain for Allahabad Bank Employees' Union, Delhi,

Shri H. L. Parwana for Shri Jagan Nath Aggarwal and Shri Balakrishnan Chandy Hok,

Shri Vedya Sagar Leekha in person.

Shri Hari Chand in person.

AWARD

The following cases of alleged victimisation were heard at Dehra Dun on the 15th, 16th and 17th April 1950.

PUNJAB NATIONAL BANK.

1. *Ram Nath Sahai*.—His grievance is that a fine of Rs. 180 was imposed on him for no fault of his. The facts which are relied on are as follows. On the 30th November 1946 one Kartar Singh Kotiah handed over a cheque for Rs. 2,000 for collection at the branch office at Chora bazar, Ludhiana, where Mr. Sahai was the supervisor. The cheque was despatched on the same day for collection to Lahore and on the 9th December 1946 a letter was received from the Lahore office stating that the bill in question, the number of which was 7936 had been realised; but the Lahore office gave the number of the bill as 7930. On the same day Kartar Singh Kotiah withdrew the amount of the cheque. Mr. Sahai showed the Lahore office letter to the Manager and on the same day the Lahore office was asked to confirm the contents of its letter. The letter seeking such confirmation was sent along with the voucher to the Manager on the 9th December 1946 for his signature and the Manager after looking into the matter raised no objection. The Ludhiana branch debited against the Lahore office the amount of the cheque and placed it to the credit of Kartar Singh Kotiah. The Bank admits that in every such case the Manager also signs the voucher in the usual course, but that is usually on the basis of the supervisor's checking. It is now found that no bill No. 7930 was sent from the Ludhiana branch to the Lahore office and it has not been shown that the bill bearing that number was for Rs. 2,000. The Lahore Office confirmed its action on the 11th December 1946 by a letter in which the Manager wrote. "We received a cheque from your office for Rs. 2,000 with Bills for Collection No. 7930 or 7936. It was got realized in due course and proceeds credited to your account under advice to you." About two months thereafter on the 6th February 1947, the cheque in question was received back at the Ludhiana office without a forwarding letter, but with a printed memorandum showing the reason of its having been dishonoured. In explanation of this, the Manager at the Lahore office wrote on the 26th December 1947: "Mr. Om Prakash Chev, clerk of this office, by mistake afforded credit to the Ludhiana office instead of Amritsar office" (from which apparently another cheque for Rs. 2,000 had been received on the 6th December 1946). On these facts it seems clear that the fault in this case lay entirely with this clerk Om Prakash Chev and the Lahore office, and that Mr. Ram Sahai cannot be held responsible for the mistake. It was contended on behalf of the bank that as the bill number was

7930 instead of 7936 he should not have passed the voucher but waited for confirmation from Lahore instead of writing about the confirmation and at the same time allowing the amount to be withdrawn. The Ludhiana branch, however, was entitled to act on the advice from the Lahore office that realisation on the bill had been made, particularly as no bill No. 7930 appears to have been sent out from that branch to the Lahore office. The discrepancy was thus treated as an obvious mistake, but still, as a formal measure of caution, confirmation was sought from the Lahore office. In what was done at Ludhiana branch the Manager shared responsibility with Mr. Sahai, if any at all. In these circumstances it seems that the order fixing Mr. Sahai Rs. 180 was not proper. We, therefore, direct that the order should be set aside and the amount refunded to Mr. Ram Sahai within a month from the publication of this Award.

Several other employees have been similarly dealt with but they are not before the Tribunal. We feel that their cases also deserve to be treated similarly, and we make a recommendation to such effect, the whole amount of the cheque being realised from those who handled the matter at Lahore office.

2. *Sarvan Dev Bhandari*.—This case comes from Patiala and East Punjab States Union and as such is outside the jurisdiction of the Tribunal. We, therefore, cannot give any direction in this case.

3. *Pran Nath Uppal*.—He was a supervisor at the Central office at Delhi and is now working at the branch office at Patiala. His grievance is that while he was at Delhi his increment for the year 1948 which was due in January 1948 was stopped. He appears to have been doing the work of reconciliation of the accounts and was confirmed as supervisor in 1947. In February 1947 his wife fell seriously ill and he had to take a good deal of leave. His wife ultimately died and he had to get his leave extended for the obsequial ceremonies. On the 12th December 1947 the officer-in-charge wrote about him: "He has not suited as a supervisor and as such I cannot recommend his case for increment." It is said that the said officer was annoyed with him because he had had to take a good deal of leave during the year. The Manager of his office wrote to the District Manager on the 14th June 1949: "He does not know even the A B C of banking". Still, however, he got the increment due to him for 1949. In this case though adverse remarks were written against him no charge sheet was shown to him nor was his explanation asked for regarding any matter in which his work or conduct had been found unsatisfactory. He had no connection with trade activities, and because he was doing the work of reconciliation of accounts in the office he could not have learnt much or got much experience about banking as such. The present application was no doubt made on the 28th March 1950, but it seems that his grievance was agitated before the bank authorities for a considerable time and the union hoped to come to an agreement regarding him. The union has filed a letter from Mr. Uppal dated the 27th January 1949 stating forth his grievance, the union having been formed on the 31st January 1949. As he subsequently got his increment in 1949 it may be presumed that he has now got the necessary experience to enable him to come up to the expected standard of efficiency, and it will not be right, therefore, in our opinion, that the loss of one increment should operate permanently throughout his career. The fact that he did not get the advantage of one increment throughout 1948 ought to be regarded as sufficient punishment and with effect from the date on which he got the increment in 1949 the increment due in January 1948 also should be restored. We direct accordingly.

There is another matter in connection with this employee. While at Delhi he used to get Rs. 15 as local allowance and his grievance is that since he left Delhi he has been deprived of the local allowance which ought, according to his contention, to have been amalgamated with his substantive salary. There

is a circular of the bank dated the 18th October 1948 in which it was stated that as regards such amalgamation each case would be individually dealt with by the Secretary but that "the cut will be imposed in all cases where the transfer is not in the interest of the bank." In this case Mr. Uppal was transferred to his new place at his own request and was not allowed even travelling allowance. That being so, it cannot be said that the discretion used by the bank regarding amalgamation of the local allowance has been wrongly exercised and we do not think that he deserves any relief as to this point, and we give no direction thereon.

4 *Thakur Das Mahajan*.—At the hearing his case was withdrawn by the Employees' Union.

5 *Om Parkash Sharma*.—He was serving as a clerk at the branch office, Hall Bazar, Amritsar. On the 10th October 1947 he was asked to proceed to Jammu to take the delivery of the property of one Khan Bahadur H. M. Hebib-ulla who had already left for Pakistan. At that time the Kashmir Valley was attacked by the raiders and his lorry met with an accident one of his arms being fractured. It is alleged on his behalf that he remained unconscious for several hours and was removed to the Kathua Military Hospital in a military lorry where he remained for two days and that thence he was removed to Amritsar where it was not possible to adjust his fractured arm. It is further alleged that he lost his watch, shoes, bedding, etc., of the value of Rs. 200 and that he incurred expenses of over Rs. 200 more on medical aid. He applied for compensation to the bank but the bank sanctioned only Rs. 50. He has asked that adequate compensation should be paid to him now. The bank has produced a letter from Mr. Sharma dated the 3rd January 1948 in which he admitted that he remained away from work for 1½ months, which period was treated as privilege leave on full pay, and his prayer was "I humbly request your goodness that owing to injuries I spent about Rs. 100 on my illness for which I am under debt." The bank asked for details of expenses but they were not supplied and therefore only Rs. 50 were sanctioned. It seems, however, that the local Manager on the 3rd November 1948 as well as the District Manager on the 8th December 1948 both recommended that a sum of Rs. 100 should be paid to him. In these circumstances, we think that Rs. 50 would not be an excessive sum and that, therefore, the bank should now pay Mr. Sharma another sum of Rs. 50 within one month from the publication of this Award. We direct accordingly.

6 *Chamanlal Khanna*.—He is a clerk at the branch office at Chowk Sudan, Jullunder city. He was not allowed the efficiency allowance of Rs. 5 but as the allowance is now being paid, he has no grievance now.

7 *Rampdas*.—He was a clerk at the branch office, Ferozpur Cantonment. His grievance is that though his case was similar to that of Chamanlal Khanna he has not been successful in obtaining the full amount of efficiency allowance of Rs. 5. He was drawing Rs. 59 on 1-4-1949 on which date he earned an increment of Rs. 5, the pay-scales having been revised about this time. He was also to get a minimum of Rs. 7, which was also given to him. Thus, in all his salary became Rs. 71 per month. He, however, further claims Rs. 5 as efficiency allowance which was paid to a number of clerks similarly situated, who were drawing less than Rs. 75 per month. The bank, however, relies on a circular wherein, it is alleged, it was permitted to reduce the efficiency allowance to such sum as did not have the effect of making the total emoluments (exclusive of dearness allowance) exceed Rs. 75 per month. This circular or rule has not been produced before us and it is the employees' case that in 29 cases this rule has not been enforced and that it has been enforced only in this one case alone. When the representative of the bank was questioned on this point he said, "I cannot say if this is correct, I cannot say if there is another case like

Ranpuras but in cases such a point arose in considering it was also stated in chairman's Khanna's case was decided by the Tribunal that the case was not to be treated as a precedent. In this case decided by the employers in the circumstances it seems to us that the allegation that in every other case the question if a condition extended was not enforced is correct, and we accordingly direct that Rs 1 per month more should be paid to Ranpuras (net of his total monthly emoluments exclusive of dearness allowance Rs 7) with effect from the date from which the employer's objection was due to him and that the arrears on account of the difference between what having been paid up to date should be paid within one month from the publication of this award.

8 *Khanati Lal Manga*—He was a clerk in the Punjab National Bank but was forced to resign while at Ferozpur branch. As Ferozpur is not a part of any of the States of the Indian Union the Tribunal has no jurisdiction over this matter and therefore, gives no direction.

9 *K D Sharma* (Accountant, Khanna Branch)—His grievance is that the bonus for 1948 has been withheld i.e. the bonus payable in respect of the period from November 1948 to April 1949, amounting to Rs 120. It is agreed between the parties that he will accept half of Rs 120 i.e. Rs 60, at which the bank is directed to pay within 15 days from the date of publication of this award.

10 *Madanlal Sharma* (Clerk, Jullunder Branch)—His complaint is that he was not granted the increment due on 1st April 1949. The case is settled and no order is made.

11 *Chandaulil* (Head Cashier, Kasauli)—He was head cashier of the branch office at Kasauli. The complaint is that his salary was reduced from Rs 110 to Rs 50 which on representation made by him was increased by the bank to Rs 75. Mr Vidya Sagar on behalf of the union is desisting not to press any cashier's cases of this description. The Bank as a special case agrees to give him the salary of Rs 90 with effect from 1st April 1950. We therefore, give no directions in this case.

12 *Rishi Kesh Dharan*—He made an application on the 31st April 1950. In his application he stated that he was a cashier contractor to the Punjab National Bank for its Mandi Burewala (Dt Multan) and Pakpattan (Dt Montgomery) branches and working cashier for Mandi Burewala branch. After warfint on he reported himself for duty at the head office at Delhi but the head office was unable to provide him with employment and terminated his services. The relief he claims is for pay for the period of notice and also cost of Rs 20 per month. The bank in its reply stated that his security deposit, provident fund and salary had been paid, that he was also paid additional salary for one month as working cashier, and that he was not entitled to the risk cover of Rs 20 per month because it was paid only when the cashier handled cash and as the business was closed there was no occasion for handling cash. This does not seem to be a case of victimization and no directions are given.

PRABHAT BANK LTD

13 *Shri A R Gupta*—The facts in this case are as follows. Shri Gupta was the Manager of the Meerut branch of the Prabhat Bank. His Offices were terminated by an order dated the 24th July 1948. He has since been able to secure a job as the Manager of the Patiala Central Co-operative Bank Limited, Patiala. The case against him is that his bank suspended payment on the 17th May 1948 in pursuance of a scheme filed in the Punjab High Court that a telegram was sent to him to stop payment in his branch which was received

by him the next morning by about 10 A.M., that even thereafter he allowed payments to be made by the branch and thus large amounts were withdrawn and that, accordingly, the bank had lodged complaints against him under sections 418, 422 and 120B of the Indian Penal Code. His case is that he received the said telegram at about 12-30 P.M. after which he got all payments from his branch stopped. He has asked for compensation amounting to over Rs. 20,000, made up of salary for the 15 months during which he could not secure a job, the amount lying in the provident fund and the current account in his favour, his security deposit and damages of Rs. 20,000.

The first application in this case was received from Shri Gupta in his own name in January 1950. He gave details of his case in a subsequent letter dated the 3rd February 1950. On the 4th April 1950 he gave a letter of authority to Shri H. L. Parwana, President of the Bharat Bank Employees Union, Delhi, to appear for him before the Tribunal. Shri Parwana appeared at Dehra Dun before the Tribunal and later Shri R. L. Sally, a member of the Advisory Committee of the Union was authorised by the Secretary of the Union to represent Shri Gupta.

Shri Gupta clearly was not a workman. For the dispute to have come under the jurisdiction of the Tribunal, it should have been raised by workmen or a union of workmen on a date not later than 13th June 1949, the date of the Government order referring the disputes between the banking companies and their employees to this Tribunal. This, however, was not the case. Though Shri Gupta might have had a dispute with the bank before the 13th June 1949 it must be regarded as different from an industrial dispute between the employers and workmen. The present dispute in which the Union has appeared long after that date must be held to fall outside the jurisdiction of the Tribunal. Therefore, the Tribunal cannot deal with this case.

UNITED COMMERCIAL BANK, LTD

14 *Mandan Gopal Garg.*—He joined the Bank at Moga in 1945 and in March 1947 was transferred to Okara (Pakistan) branch but at his request the transfer was postponed. In July 1947 he reported for duty at Okara. In August 1947 riots broke out, he left Pakistan and came to India. The Manager of Okara Branch asked him to report at Amritsar and when he did so he was asked to return to Moga. Thereafter he approached the Okara Manager and he was sent to the Moga Branch where he worked till the 29th September 1947 when he was served with a notice terminating his services. The bank's case is that on account of communal riots on a very large scale altogether 12 branches in the West Punjab had to be closed and a large number of the staff consequently became surplus. The bank was unable to find suitable employment for many of them and this employee was one among them. He was paid the salary upto the 28th September 1947 and one month's salary in lieu of notice and he accepted half month's salary towards Independence Bonus. We do not think that this is a case of victimization and as such we do not make any order.

ALLAHABAD BANK, LTD.

15 *Tara Chand.*—He was an office peon at the Delhi branch of the bank. His grievance is that he has been deprived of his emoluments, which he would otherwise have been entitled to, on the ground that he was a minor. He claims these emoluments from the 1st of January 1947 as well as the quarters allowance of Rs. 3 per month. If he was 18 in 1947 he would be entitled now to get Rs. 54. The bank's case is that he joined as a call boy in November 1946 when his age, according to his application, was 13 years. The call boys, according to the bank's practice, do not qualify for promotion to the peons' grade and its emoluments until they attain 18 years. In 1947 the bank issued

a circular that call boys who had attained the age of 18 years might be placed in the category of peons. Even then he did not state that he was not below 18 years. In February 1950 the bank of its own accord, in connection with the annual increase of pay, enquired about his age and even then he did not produce any proof of the date of his birth. He was, therefore, sent for an examination by the bank's doctor, who said that he was above 20 and might be 21 or 22 in 1950. In the circumstances the bank contends that he is not entitled to the full scale of pay with retrospective effect from 1947. With regard to the claim for the restoration of the quarters allowance of Rs. 3 per month which he was drawing till October 1948, the bank's case is that his dearness allowance was increased from Rs. 13-8-0 to Rs. 20 and the house allowance was consequently merged in the latter and that though he could have got accommodation in the subordinate staff quarters, he refused to avail himself of it. In the circumstances of the case we do not think that he is entitled to restoration of the house allowance. With regard to the emoluments we understand he is getting now Rs. 51 but if he was 18 years of age in 1948 he would have been entitled now to get Rs. 54. We think that he is primarily responsible for the manner in which the bank has dealt with his case, but this must be attributed to his ignorance. We feel that the ends of justice will be met if he is put in the peon's grade now and allowed to draw the amount he would have been entitled to if he had attained the age of 18 years on the 31st March 1948 and if he is also paid a consolidated sum of Rs. 50 in satisfaction of his claim for arrears for past years, he paid within a fortnight of the publication of this award.

16. *Bachai Ram*.—He was a peon in the Delhi office of the bank upto May 1940 and his complaint is that he was degraded to work as a chowkidar. It is stated that as chowkidar he has to perform varying duties and duties on Sundays and holidays and also duties at odd hours. Besides he also sustained a monetary loss and his claim is, therefore, for a compensation of Rs. 15 per month for the money lost during the period he worked as chowkidar. The bank's case is as follows. He was employed as a chowkidar on 15th January 1941. In 1942 he proceeded on leave and did not return till January 1943. On his return the bank permitted him to do the work of a peon because there was no vacancy amongst chowkidars. Generally an extra staff is maintained amongst peons who are employed at times to do the duties of chowkidars. Shri Bishan Das for the bank states, and this is not disputed, that there is no difference in the grade of peons and chowkidars. Therefore there is no question of degradation. If he wants it, immediately there is a vacancy he will be taken as a peon but he will lose the dusting allowance which is paid to chowkidars. On this assurance being given the union is satisfied, and no directions from us are called for.

17. *Raghunath Prasad Mehra*.—His grievance is that the efficiency bar at Rs. 100 has been misused against him; that he is a clerk in the bank's Delhi office with 27 years' service to his credit, and that since 1948 his increment has been stopped for alleged want of efficiency. His grade is Rs. 60—4—100—E.B.—150. The bank's case is as under. He was appointed in 1923 on a starting salary of Rs. 30 when he was 30 years old. He has not passed even the ninth class examination and for the most part of his service he has worked as godown keeper or despatcher and was unfit for any other job, and therefore in 1932 his further increment was stopped. He has been suffering from a severe type of elephantiasis and was incapable of performing any of the active duties of the bank. He was working as a despatch clerk for the last 10 years and performed that part of his duties satisfactorily. Therefore from 1942 he was again allowed to earn his increment. His ability and health being such that he was fit only for despatch work, which requires efficiency much below the general standard expected from a clerk of his seniority, the efficiency bar

has been justly applied. He made a mistake and forwarded a confirmation of a telegram addressed to Head Office containing the working results of the branch, which were of a confidential nature, to a customer and a charge sheet had to be framed against him. Recently a marked deterioration has been observed in his department, and therefore important letters have to be scrutinized by the Agent himself. Having regard to his old age and failing health the bank has been pulling on with him in order to enable him to complete 30 years' service. His promotion was stopped because the bank considered that he reached the maximum of the grade which is considered sufficient for the nature of work he performs as a despatcher of outstation dak. There is an efficiency bar at Rs. 100 in his grade. We have seen his service record. On a consideration of it and the other available materials on the record we cannot say that he has been victimized. We give no directions in this case.

HINDUSTAN COMMERCIAL BANK, LTD.

18. *Jagan Nath Aggarwal*.—He joined the Hindustan Commercial Bank in 1944 and on the partition of India he was posted incharge of the Khanna Pay Office (in India) in December 1947. He was arrested on a charge of embezzlement of Rs. 18,700 and he was suspended on 16th July 1948. He was convicted by the Magistrate on the 7th January 1949 but was acquitted by the District and Sessions Judge on 11th February 1949. The District Judge remarked in his judgment, 'I must state, however, that negligence of the accused appellant, must be termed colossal. He permitted the cashier to go away with the money by his default. Had he accompanied him to the safe himself, the cashier would not have an opportunity of decamping with the money. The theft has taken place directly on account of the negligence of the accused'. Shri Parwana appearing on his behalf asks for his reinstatement and salary for the period between 16th July 1948 and 19th January 1949, being the respective dates of suspension and dismissal, as also for the payment of his outstanding travelling allowance bills amounting to Rs. 173-18-0. The outstanding bill is settled at Rs. 169-13-0. We are unable to direct reinstatement in this case. As he was found to be extremely careless but not guilty of embezzlement we think he may be paid a quarter of his total emoluments as allowance for the period mentioned above. Both the amount should be paid to him within 15 days of the publication of this award.

19. *Vidya Sagar Leekha*.—He was a godown keeper and his grade is Rs. 60—6—90. His claim is for salary from 6th May 1948 to 28th July 1948 and one month's salary in lieu of notice. In a supplementary statement he also claims the increment which fell due during the said period. His case is as follows. After partition he came to India and was transferred to Bombay where he resumed duties on the 2nd January 1948. After four months' service he was granted leave for 10 days upto the 5th May 1948 but he fell ill and was unable to resume his duty on that date. He sent a telegram asking for leave for 15 days more. On the 19th May 1948 the Bombay Office informed him that unless he reported for duty he would be liable for disciplinary action. On the 25th May 1948 he received another letter dated the 21st May 1948 from the Head Office wherein he was asked to report for duty on the 24th May 1948 in default whereof he was to be deemed to have voluntarily left the service of the Bank. On the 26th May 1948 he wrote back requesting the bank to refer to his leave application and asked for leave till the 4th June 1948 as he was still unable to undertake a journey. On the 4th June 1948 he again applied for leave backed by a medical certificate dated the 21st May 1948. The bank by its letter of the 12th of June acknowledged receipt of his applications of the 26th May 1948 and 4th June 1948 and informed him that as he had overstayed his leave his case has been referred to the Head Office for such disciplinary action as they thought fit. On the 15th June 1948 he

applied to the Head Office and stated that having served the bank for one year and nine months he was entitled to 52 days' privilege leave; and he also asked for the payment of his past dues. On the 27th July 1948 the Agent of bank replied stating that as he had failed to report for duty his services had been terminated. He, therefore, claims his salary from 6th May 1948 to 28th July 1948 plus one month's salary in lieu of notice. The bank states that he referred his claim to the Conciliation Officer (Central) who granted 15 days salary as also the travelling allowance which together amounted to Rs. 80-3-0, and that he accepted the amount under protest. He admits this and contends that the order of Conciliation Officer was not binding on him under the Industrial Disputes Act because he did not agree to the proposal of the Conciliation Officer and thus no settlement was arrived at. Section 12(b) of the Industrial Disputes Act provides that if no settlement is arrived at the Conciliation Officer should send a full report to the appropriate Government and on consideration of such report the Government may make a reference to a Board or Tribunal. The conclusions arrived at by the Conciliation Officer appear from his letter addressed to the Bank on 18th November 1949. The matter was apparently pending before the Conciliation Officer after the constitution of this Tribunal and the Government has not referred this case to us under section 12(5) of the Act. It thus appears to be contemplated that a Tribunal would get jurisdiction only on reference by Government. That being so we are unable to give any directions in this case.

NATIONAL BANK OF INDIA, LTD.

20. *Kesho Charan*.—He joined the service of the bank in 1914 and served for 34 years. His complaint is that he was made to retire on the 7th May 1948 without any justifiable reasons. He has filed a suit in the Civil Court for declaration of his grade and enforcement of his rights under the bank's rules and regulations. Before the Tribunal he asks for reinstatement as a first grade employee on a salary of Rs. 250 and salary for the interim period at this scale and also the reliefs claimed in the suit. He has not appeared. As a suit is pending we do not think that we should interfere.

CENTRAL BANK OF INDIA, LTD.

21. *Balkishan Chandy Hok*.—His case is that he was in-charge of the sub pay office at Shujabad. He furnished security of Rs. 1,000. After partition he came to India from Multan and reported himself at Amritsar but as there was no vacancy he could not be provided with employment. He claims the return of his security and the bank's contribution to the provident fund as also Rs. 30 being half a month's salary as bonus. The bank's case is that there is no relationship of employer and workman existing between the bank and him inasmuch as the bank appointed guarantee brokers and one of such guarantee brokers, Bal Kishan Chopra appointed him as the cashier. The guarantee broker took the security from him and became responsible to the bank for his conduct. Chopra ceased to be a guarantee broker and was succeeded by Shri Diwan Brothers who guaranteed for him. The security furnished by this employee which stood in the name of Bal Kishan Chopra was not transferred in favour of Diwan Brothers. The bank is prepared to pay him back the money as soon as Bal Kishan Chopra in whose name the security deposit receipt stands, is duly discharged by him and a letter of authority is obtained for payment of money to him. The bank contests his

claim for bank's contribution to the provident fund on the grounds that he was disinclined to work in the bank and that he did not serve for 15 years as he was required to do under its rules to entitle him to such contribution. The claim for bonus is also contested as it is receivable by him from the guarantee brokers whose account has been credited with the amount according to the agreement with him, which is admitted by the employee. We do not think that this is a case of victimization. Shri Parwana appearing on his behalf also admits this and we, accordingly, do not make any order. Shri Dip Chand appearing for the bank has, however, agreed to write to Shri Chopra for discharging the bank of its liability so that the security amount may be returned, and also to appoint him provided he produces a letter of guarantee from any one of the existing brokers and pay Rs. 48-4-0 as its contribution to the provident fund.

22. *Ramlal Gilani.*

23. *Om Prakash Thakur.*

The application of Om Prakash Thakur was filed on the 27th March and that of Ramlal Gilani on the 25th March 1950. Both these applications are for the recovery of the Security Deposits paid to the guarantee brokers. None of the parties appeared and we do not think that these are cases of victimization at all. No directions from us are, therefore, called for.

BHARAT BANK, LTD.

24. *Hari Chand.*—He was the Manager of the Bank at the Ambala City branch in the grade of Rs. 100—10—200. His complaint is that he was not given an increment which was due to him from 1st October 1947. On 10th November 1947 he was asked by the authorities to hand over charge of the branch to one Balwant Rai Jain. He handed over charge on 19th November 1947 when his services were terminated. He wants the increment which was due to him from 1st October 1947 to 19th November 1947 and also three months' salary in lieu of notice. The bank's case is that he is not entitled to the increment as he was not in service on the date when the Bank granted increment to the staff with effect from 1st October 1947 and that his services were terminated on payment of three months' salary in lieu of notice. We do not think we can interfere in this matter.

25. *Ved Prakash Channana.*—This application was made on the 31st March 1950. He was a godown keeper under a guarantee broker and he resigned from service in 1947 since when he had made no demand. In his application he states that he deposited a sum of Rs. 500 in cash with the guarantee broker and obtained a receipt and that he sent the original receipt with the copy of the resignation letter to the guarantee broker on the 27th February 1947. He has not appeared nor has he stated anything in his application as to the relief that he claims. Shri Parwana states that he has no instructions. We give no directions in this case.

K. C. SEN, *Chairman.*

J. N. MAJUMDAR, *Member.*

N. CHANDRASEKHARA AIYAR, *Member.*

BOMBAY;

17th June 1950.

ORDER

New Delhi, the 4th July 1950

S.R.O. 267.—Whereas an industrial dispute has arisen or is apprehended between the Collieries of the Bengal Coal Company Limited mentioned in Schedule I annexed hereto and their workmen in respect of the matter specified in Schedule II hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Central Government Industrial Tribunal at Dhanbad, constituted under section 7 of the said Act.

Schedule I

Collieries of the Bengal Coal Company Limited:—

1. Pit Sitalpur
2. Chinakuri
3. Poidih
4. Perbeha
5. Bank Simulia 7, 8, 11 and 12 pits
6. Seebpur
7. Pretoria
8. Girmit
9. Damra
10. Ena
11. Chanch
12. Sodeput 9 and 10 pits
13. Laikidih Deep

Schedule II

Having regard to the recommendations of the Board of Conciliation (Colliery Disputes) published with the Ministry of Labour Resolution No. L.R.2(103),

dated the 12th May 1947 and the "Joshi" Agreement dated the 29th February 1948, what rates of basic wages should be paid to time rated trammers and from what date should rates be given effect to.

[No. L. R. 2(279)]

N. M. PATNAIK, Dy. Secy.

